

Docket No.: 15685P031

# 13 2-25-0

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

ROGER ROGARD, ET AL.

Application No.: 09/676,887

Filed: September 29, 2000

For: **DOWNLINK TRANSMISSION IN A** 

WIRELESS DATA COMMUNICATION SYSTEM HAVING A BASE STATION WITH A SMART ANTENNA SYSTEM Art Group: 2663

Examiner: Not yet assigned

RECEIVED

FEB 2 4 2003

Technology Center 2600

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure, enclosed is a copy of Information Disclosure Statement by Applicant (form PTO/SB/08), which is being submitted before the mailing of a first Office Action. It is respectfully requested that the cited references be considered and that the enclosed copy of PTO/SB/08 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s). Copies of the references cited on PTO/SB/08 are enclosed herewith.

The references were cited in a communication from a foreign patent office on October 18, 2002, in a counterpart EPO application, which was forwarded to Applicant's Representative in a communication dated November 18, 2002.

The submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made in the subject application and is not to be construed as an admission that the information cited in this statement is material to patentability.

Please charge any fees due to Deposit Account 02-2666. A duplicate copy of the Fee Transmittal (PTO/SB/17) is enclosed for this purpose.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: February 13, 2003

Philip A. Pedigo, Reg. No. 52,107

12400 Wilshire Blvd., 7th Floor Los Angeles, California 90025 (503) 684-6200

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

February 13, 2003

02-13-03

Derek S. Watson

Date

Del S. Wal

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

ME EE	TR	AN	SMITTAL	
	for	FY	2003	

(\$)

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT

Complete if Known			
Application Number	09/676,887		
Filing Date	September 29, 2000		
First Named Inventor	Roger Rogard		
Examiner Name	Not yet assigned		
Group/Art Unit	2663		
Attorney Docket No.	15685P031		

METHOD OF PAYMENT (check one)				FE	E CALCULATION (continued)	
— Money —	3. A	DDITIO	NAL	FEES	3	
☐ Check ☐ Credit card ☐ Money ☐ Other ☑ None	Large	Entity	. Sma	II Entity		ŀ
Deposit Account	Fee	Fee	Fee	Fee	_	
Deposit Account 02-2666	Code	(\$)	Code	(\$)	Fee Description Fee P	aid
Number 02-2000	1051	130	2051	65	Surcharge - late filing fee or oath	
Deposit Data Communication of Communicat	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	Ш
Account Name Blakely, Sokoloff, Taylor & Zafman LLP	2053	130	2053	130	Non-English specification	$-\ $
The Commissioner is authorized to: ( check all that apply)	1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
Charge fee(s) indicated below Credit any overpayments	1804	920 *	1804	920 '	Requesting publication of SIR prior to  Examiner action	
Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20	1805	1,840*	1805	1,840 '	* Requesting publication of SIR after	
Charge fee(s) indicated below, except for the filling fee	.555	• •=			Examiner action	
to the above-identified deposit account	1251	110	2251	55	Extension for reply within first month ECEIVE	<b>H</b> -
FEE CALCULATION	1252	410	2252	205	Extension for reply within second month L U L V L	-4
1. BASIC FILING FEE	1253	930	2253	465	Extension for reply within third month	
Large Entity Small Entity	1254	1,450	2254	725	Extension for reply within fourth month FEB 2 4 2003	
Fee Fee Fee Fee Fee Description Fee Paid Code (\$)	1255	1,970	2255	985	Extension for reply within fifth month	
	1404	320	2401	160	Notice of Appeal Technology Center	200
1001 750 2001 375 Utility filing fee 1002 330 2002 165 Design filing fee	1402	320	2402	160	Filing a brief in support of an appeal	
1003 520 2003 260 Plant filing fee	1403	280	2403	140	Request for oral hearing	
1004 750 2004 375 Reissue filing fee	1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1005 160 2005 80 Provisional filing fee	1452	110	2452	55	Petition to revive - unavoidable	
SUBTOTAL (1) (\$)	1453	1,300	2453	650	Petition to revive - unintentional	
	1501	1,300	2501	650	Utility issue fee (or reissue)	
2. EXTRA CLAIM FEES Extra Fee from	1502	470	2502	235	Design issue fee	
Claims below Fee Paid Total Claims =	1503	630	2503	315	Plant issue fee	
Independent	1460	130	2460	130	Petitions to the Commissioner	
Claims X	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	_11
Multiple Dependent	1806	180	1806	180	Submission of Information Disclosure Stmt	
Large Entity Small Entity	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
Fee Fee Fee Fee Description Code (\$) Code (\$)	1809	750	1809	375	Filing a submission after final rejection	
1202 18 2202 9 Claims in excess of 20	1809	, 50	1009	Ų, J	(37 CFR § 1.129(a))	
1201 84 2201 42 Independent claims in excess of 3	1810	750	2810	375	For each additional invention to be	
1203 280 2203 140 Multiple Dependent claim, if not paid					examined (37 CFR § 1.129(b))	_
1204 84 2204 42 **Reissue independent claims over	1801	750	2801	375	Request for Continued Examination (RCE)	[]
original patent	1802	900	1802	900	Request for expedited examination of a design application	
1205 18 2205 9 **Reissue claims in excess of 20 and over Other fee (specify) Other fee (specify)						
SUBTOTAL (2) (\$)						
**or number previously paid, if greater, For Reissues, see below	*Reduced	by Basic Filir	ng Fee Pa	iid	SUBTOTAL (3) (5)	$\neg$ I
	<u></u>	===		===		=
SUBMITTED BY Complete (if applicable)  Registration No. 150 105 105 105 105 105 105 105 105 105						

<b>SORWILLED E</b>	3Y	CT 12125 1	A # 9	Comp	olete (if applicable)
Name (Print/Type)	Philip A. Pedigo	Registration No. (Attorney/Agent)	52,107	Telephone	(503) 684-6200
Signature	Pho. a. Padings			Date	02/13/03

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Patent and Trademark Office-3.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT BY APPLICANT

(use as many sheets as necessary)

2

Sheet 1 of

Complete if Known				
Application Number	09/676,887			
Filing Date	September 29, 2000			
First Named Inventor	Roger Rogard			
Art Unit	2663			
Examiner Name	Not yet assigned			
Attorney Docket Number	15685P031			

			U.S. PATE	NT DOCUMENTS	
Examiner Initials*	Cite No.¹	Document Number  Number - Kind Code² (if known)	Publication Date or Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-5615409	03-25-1997	Forssén et al.	
		US-			
		US-		RE	CEIVED
		US-			
		US-		FF	B 2 4 2003
		US-			
		US-		Techno	logy Center 2600
		US-		3	1097 0011101 2000
		US-			

	FOREIGN PATENT DOCUMENTS					
Examiner	Cite	Foreign Patent Document			Pages, Columns, Lines,	
Initials*	No.1	Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>3</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	
		-				
1					l I	

Examiner	Date	
Signature	Considered	

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

'Applicant's unique citation designation number (optional). 'See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 'Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 'For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. 'Kind of document by the appropriate symbols as Indicated on the document under WIPO Standard ST. 16 if possible. 'Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/08B (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO

Sheet

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

of

2

 Complete if Known

 Application Number
 09/676,887

 Filing Date
 September 29, 2000

 First Named Inventor
 Roger Rogard

 Art Unit
 2663

 Examiner Name
 Not yet assigned

 Attorney Docket Number
 15685P031

		OTHER ART - NON PATENT LITERATURE DOCUMENTS				
OTHER ART - NOW FATERT EITERATORE DOCUMENTS						
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Т			
	2	European Examination Report dated 10/18/02				
		RECEIVED				
		FEB 2 4 2003				
		Technology Center 2600				
ï						
	<del></del>		-			

Examiner	Date
Signature	Considered
<u> </u>	

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

<sup>&#</sup>x27;Applicant's unique citation designation number. 'Applicant is to place a check mark here if English language Translation is attached.